IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.34182 of 2026
CNR No. ODHC010805652026

Bibhuranjan Biswal .... ***Petitioner***

Mr. B.B. Mohanty, Adv.

-versus-

State of Odisha & Others .... ***Opposite Parties***

Mr. A. Tripathy, AGA

CORAM:
THE HON'BLE MR.JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER
27.10.2026

Order No.

1. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.

2. Heard learned counsel appearing for the Parties

3. The present Writ Petition has been filed inter alia with the following prayer:

> *It is therefore, prayed that this Hon'ble Court may graciously be pleased to issue a writ in the appropriate nature to quash the Impugned order of Fixation of Pay passed by CDMO, Malkangiri bearing No 10852 Dated 19.09.2026 under Annexure-9. Besides, this Hon'ble Court may graciously be pleased to quash the Order of Promotion dated 24.07. 2026 under Annexure - 8 so far as Petitioner is Concerned and pass appropriate Orders directing the Opposite Parties more particular to O.P. No-3 to re-fix the Pay of the Petitioner appropriately in the Promotional Post of MPHW (M) - Level- I at Rs. 35400/= (Cell-1, Level-9) under ORSP Rules 2017 w.e.f. 12.03. 2025 in terms of Order of Promotion dated 11.03. 2025 and to extend all consequential financial benefit of Promotion as MPHW (Male-I) flowing from the Order of Promotion dated 11.03. 2025 under Annexure -5 Series alike 46 others* forthwith or within a time to be stipulated by this Hon'ble Court

And pass any other order/orders as this Hon'ble Court may deem fit and proper.

4. It is contended that this Court while disposing W.P.(C) No.36312 of 2025 along with two other Writ Petitions vide its order dtd.27.02.2026 under Annexure-7 series held the Petitioner entitled to continue in his promotional post in terms of order dtd.11.03.2025 so issued under Annexure-5 series. Opp. party No.3 while carrying out the order though held the Petitioner entitled to continue in the promotional post w.e.f 12.03.2025, but Petitioner was extended with the benefit of the pay scale in the promotional post w.e.f 24.07.2026 vide the impugned order dtd.19.09.2026 under Annexure-9.

4.1. It is contended that since Petitioner's promotion w.e.f 11.03.2025 in terms of the order of this Court in W.P.(C) NO.36312 of 2023 was carried out by the CDMO-Opp. party No.3 in his order dtd.24.07.2026 under Annexure-8, Petitioner could not have been extended with the pay scale so fixed in the promotional post w.e.f 24.07.2026 in place of 12.03.2025.

4.2. It is contended that since Petitioner in terms of order dtd.11.03.2025 joined on 12.03.2025 under Annexure-5 series and such promotion after being upheld by this Court in its order dtd.27.02.2026 under

Annexure-7 series has been carried out by Opp. Party No.3, Petitioner's should have been extended with the pay scale so made applicable to the promotional post w.e.f 12.03.2025 in place of 24.07.2026 so fixed in the impugned order under Annexure-9. It is accordingly contended that Opp. Party No.3 be directed to extend the benefit of the Pay Scale in the promotional post w.e.f 12.03.2025 in place of 24.07.2026, in modification of order dtd.19.09.2026.

5. Learned Addl. Govt. Advocate contended that if while carrying out the order passed by this Court under Annexure-7, with passing of order by Opp. party No.3 under Annexure-8, Petitioner's date of joining in the promotional post has been taken as 24.07.2026 in place of 12.03.2025 and accordingly, Petitioner has been extended with the Scale of Pay in the promotional w.e.f. 24.07.2026, let the Petitioner move Opp. party No.3 for consideration of her grievance as made in the Writ Petition.

6. Having heard learned counsel for the parties and considering the submission made, it is found that Petitioner was promoted to the rank of MPHW(Male) Level-1 vide order dtd.11.03.2025 under Annexure-5 series. In terms of the said order, Petitioner joined in

the promotional post on 12.03.2025, which is also available under Annexure-5 series.

6.1. However, when such order of promotion was withdrawn vide order dtd.09.12.2025 under Annexure-6 series, the matter was carried to this Court in W.P.(C) No.36312 of 2025. This Court while directing learned Addl. Govt Advocate to obtain instruction vide order dtd.19.12.2025, stayed the operation of order dtd.09.12.2025, so far as it relates to the present petitioner.

6.2. Subsequently, the Writ Petition along with two other Writ Petitions were disposed of by this Court vide order dtd.27.02.2026 under Annexure-7 series. While disposing all the three Writ Petitions, this Court quashed order dtd.09.12.2025 and held the Petitioner's promotion so made in terms of order of this Court dtd.11.03.2025 as just and valid. It is found that the order of this Court was carried out by Opp. party No.3 vide his order dtd.24.07.2026 under Annexure-8.

6.3. However, while carrying out the order with extension of the benefit of promotion in terms of order dtd.11.03.2025 under Annexure-8, Opp. party No.3 has taken the date of joining of the Petitioner in the promotional post as 24.07.2026 in place of 12.03.2025.

6.4. In view of the same, this Court while disposing the Writ Petition permits the Petitioner to make his grievance for making necessary correction with regard to his date of joining in the promotional post as 12.03.2025 with consequential extension of the benefits of the Pay Scale so fixed in the promotional post w.e.f 12.03.2025 in place of 24.07.2026.

6.5. It is observed that if any such application will be moved by the Petitioner within a period of 2(two) weeks hence, Opp. Party No. 3 shall do well to take a lawful decision on the same within a period of 2(two) weeks from the date of receipt of such representation. The order so passed by Opp. Party No. 3 be communicated to the Petitioner.

7. With the aforesaid observations and directions, the Writ Petition stands disposed of.

(Biraja Prasanna Satapathy)
Judge

sangita

Signature Not Verified
Digitally Signed
Signed by: SANGITA PATRA
Reason: authentication of order
Location: high court of orissa cuttack
Date: 28-Oct-2026 18:12:20